

Probate Notes for June 23, 2015

Probate notes are a recommendation as to the outcome of the petition. Unlike tentative rulings, they do not automatically become adopted as the order of the court. Unless an appearance at the hearing is otherwise required by law, if petitioner submits a proposed order prior to the hearing and the recommendation is to grant the petition, no appearance is necessary. If you are scheduled to appear and there is no probate note issued in your case, you should appear as scheduled. If you wish to continue a matter, you must contact the civil division at (530) 406-6704, at least two (2) court days before your hearing.

Please note: The following probate matters will be heard in **Department Two at 9:00 a.m.**

CASE: Conservatorship of Hollis
Case No. CV PC 15-40

It is recommended to appoint legal counsel for the proposed limited conservatee. (Prob. Code, § 1471, subd. (c).)

The Court notes that Cindi Hulse and Dexter Hulse failed to file proof that the declaration filed on May 29, 2015, was served on the proposed conservator and proposed limited conservatee. (Prob. Code, § 1013a.)

On the Court's own motion, the matter is **CONTINUED** to Tuesday, July 21, 2015, for the court investigator to interview objectors Cindi Hulse and Dexter Hulse, and file a supplemental report.

CASE: Estate of Lamb
Case No. CV PB 15-06

The Court notes the following deficiencies:

1. Petitioner fails to state whether notice was given to the Franchise Tax Board. (Prob. Code, 9202, subd. (b).)
2. Petitioner fails to state whether notice was given or was required to the Victim's Compensation and Government Claims Board. (Prob. Code, 9202, subd. (b).)
3. Item 5 of the inventory and appraisal is incomplete. (Prob. Code, § 8800, subd. (d).)

Additionally, the descriptions of assets on the inventory and appraisal are not sufficient to inform the Court as to the nature of each asset. In order for the Court to determine that the assets were appropriately appraised by the personal representative, petitioner shall submit a declaration stating whether each asset appraised is a cash deposit or money market fund, as defined in Probate Code section 9730(b). (Prob. Code, § 8901, subd. (d).) To the extent the assets listed include other mutual funds, stocks, bonds, or other securities, they must be appraised by the probate referee. (Prob. Code, §§ 8901, subd. (d), 8902.)

**CASE: Estate of Ringcamp
Case No. CV PB 14-179**

The Court has reviewed the objection filed by John Scaccia. To the extent John Scaccia contests the right of Brian Scaccia to be appointed as personal representative, John Scaccia has failed to file a petition which asserts the right of an alternative person to be appointed as personal representative as required. (Prob. Code, § 8004, subd. (a).)

The Court further notes that John Scaccia has properly filed an objection to contest the Will dated May 1, 1998, that Brian Scaccia has petitioned to be admitted to probate. However, John Scaccia fails to establish that a summons has been issued and served as required. (Prob. Code, §§ 8004, subd. (b), 8250.)

On the Court's own motion, the matter is **CONTINUED** to Tuesday, August 11, 2015. John Scaccia shall obtain and serve a summons by no later than Tuesday, June 30, 2015.

**CASE: Estate of Ruiz
Case No. CV P2 15-95**

It is recommended to deny the petition for letters of administration in the estate of decedent Jose Ruiz. Several paragraphs of the petition are blank or incomplete, including paragraphs, (2)(b), (3)(b), (3)(c), and (5)(a)(7) or (5)(a)(8). Additionally, the Court notes the following deficiencies:

1. Proof that the notice of hearing has been served on the required parties has not been filed with the Court. (Prob. Code, § 8110.)
2. Petitioner failed to file a nomination of administrator as alleged in paragraph 3(f)(2)(b) of the petition.
3. Petitioner failed to file written bond waivers from each heir at law as alleged in paragraph 3(d) of the petition. (Prob. Code, § 8481.)
4. To the extent Joseph Montoya is a petitioner in this matter, he is not listed in paragraph 8 of the petition as required. (Petition, ¶ 8.)
5. The *Duties and Liabilities of Personal Representative* form must be filed with the Court (Judicial Council of California Form DE-147).
6. Proof of publication must be filed prior to the hearing. (Prob. Code, § 8120 et seq.)